

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

RUPERT JUMPP,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No.: 08-4268 (JLL)
	)	
T.M. POWER, MS. TOPAL, MS. BLACK	)	<b>ORDER</b>
DR. GABRIEL, DR. GINSKY,	)	
DR. MCDONALD, DR. KAPCHITS,	)	
	)	
Defendants.	)	
	)	

For Plaintiff: Rupert Jumpp, pro se

For CMS Defendants: Sean X. Kelly (*Marks, O'Neill, O'Brien & Courtney, PC*)

**LINARES, District Judge.**

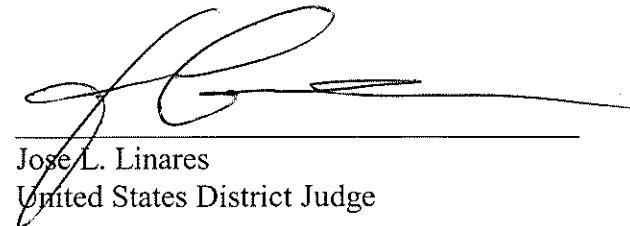
This matter comes before the Court on the December 1, 2008 motion to dismiss [CM/ECF #5] filed by Defendants Ms. Topal, Dr. Gabriel, Dr. Kapchits (“Kapchits”), and Dr. Godinsky(collectively, the “CMS Defendants”). No oral argument was heard. Fed. R. Civ. P. 78. For the reasons set forth in the accompanying Opinion,

**IT IS** on this 18 day of June 2009,

**ORDERED** that the CMS Defendants’ motion to dismiss is GRANTED; and it is further

**ORDERED** that as Plaintiff failed to successfully plead deliberate indifference, his claims against the CMS Defendants are dismissed without prejudice to amend his Complaint with respect to deliberate indifference; and it is further

**ORDERED** that Plaintiff shall have thirty (30) days to amend his Complaint, or his claims against the CMS Defendants shall be deemed to be dismissed with prejudice.



\_\_\_\_\_  
Jose L. Linares  
United States District Judge